

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.17637 of 2016

Date of decision:1.9.2016

Shingara Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.T.S.Salana, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition, at the instance of the complainant, is directed against the order dated 25.5.2016 (Annexure P-7) passed by the Secretary to Government of Punjab, Department of Rural Development and Panchayat, whereby appeal of respondent No.3-Sarpanch was allowed, setting aside the removal order dated 31.3.2016 (Annexure P-5) passed by the Director, Rural Development and Panchayat, Punjab.

Heard learned counsel for the petitioner.

A bare perusal of the order dated 31.3.2016 (Annexure P-5) passed by the Director, Rural Development and Panchayat, Punjab, would make it crystal clear that he passed the removal order of respondent No.3, treating his conviction for an offence involving moral turpitude, which was factually incorrect. Only that is what has been clarified by the appellate authority, while passing the impugned order.

It is also a matter of record that respondent No.3 was convicted only for an offence under Section 323 of the Indian Penal Code and he was acquitted of other charges framed against him. Further, the appellate court has already suspended his sentence vide order dated 13.3.2015. The appellate authority has further rightly observed that before passing the order of removal (Annexure P-5) neither the Sarpanch-respondent No.3 was allowed to file his reply nor he was granted an opportunity of being heard. In such circumstances, the appellate authority committed no error of law, while setting aside such a patently illegal removal order passed by the Director.

As per the relevant provisions of law, contained in Section 208 (1) (c) of the Punjab Panchayati Raj Act, 1994, a person can be removed from the post of Sarpanch, if he has been convicted for any offence involving moral turpitude or an offence showing any defect of character in the Sarpanch. It has gone undisputed before this Court in the present case that conviction of respondent No.3 was not for an offence involving moral turpitude nor it involves any defect of character. Having said that, this Court feels no hesitation to conclude that the impugned order passed by the appellate authority vide Annexure P-7 was based on true facts of the case as well as passed, strictly in accordance with law and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the instant writ petition stands dismissed, however, with no order as to costs.

1.9.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No